

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PRIDDIS MUSIC, INC.

Plaintiff,

-v-

1:05-CV-491

TRANSWORLD ENTERTAINMENT
CORPORATION

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

Defendant.

AUG 25 2005

DAVID N. HURD
United States District Judge

LAWRENCE K. BAERMAN, Clerk
UTICA

ORDER

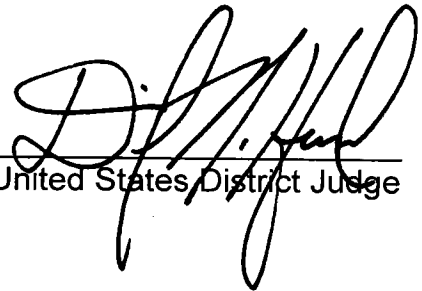
Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on August 26, 2005, via video conference between federal courthouses in Utica and Albany, New York, it is hereby

ORDERED that

- (1) Defendant's motion to dismiss the First and Sixth Causes of Action, for Fraud and Conversion respectively, is GRANTED;
- (2) The First and Sixth Causes of Action are DISMISSED.
- (3) Defendant's motion to dismiss the Fifth Cause of Action for Unjust Enrichment is DENIED;
- (4) Plaintiff's request for punitive damages is DISMISSED;
- (5) Plaintiff has withdrawn the Third Cause of Action for Breach Good Faith and Fair Dealing and its request for attorney's fees, and thus, those claims are DISMISSED; and

(6) Defendant shall file and serve an answer to the Second, Fourth and Fifth Causes of Action on or before September 9, 2005.

IT IS SO ORDERED.


United States District Judge

Dated: August 26, 2005
Utica, New York.